

ORDINANCE NO. 28495**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE NORTH SIDE OF FOXWORTHY AVENUE, APPROXIMATELY 100 FEET EAST OF LANSFORD AVENUE (1345 FOXWORTHY AVENUE), TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT**

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, a Negative Declaration (ND) was prepared for a rezoning project under File No. PDC08-048, and said ND has been adopted on January 21, 2009, which adoption has not been challenged, protested nor appealed; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to A(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves said ND prior to taking any approval actions on this project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as A(PD) Planned Development Zoning District.

The base district zoning of the subject property shall be A-Agricultural. The PD zoning of the subject property shall be that development plan for the subject property entitled, "Foxworthy Single Family Homes," **last revised November 18, 2008.**

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC08-048 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this 10th day of February, 2009 by the following vote:


AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CHIRCO, NGUYEN.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHWESTERLY LINE OF FOXWORTHY ROAD (60.00 FEET IN WIDTH) WITH THE SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF "TRACT NO. 1357 FRANCISCAN GARDENS UNIT NO. 2", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON NOVEMBER 9, 1954 IN BOOK 53 OF MAPS, AT PAGE 36; THENCE NORTH 71° 30' 05" EAST ALONG SAID NORTHWESTERLY LINE OF FOXWORTHY ROAD, 85.00 FEET TO THE TRUE POINT OF BEGINNING AND CONTINUING ALONG THE NORTHWESTERLY LINE OF SAID FOXWORTHY ROAD, NORTH 71° 30' 05" EAST 105.00 FEET; THENCE NORTH 25° 04' 40" WEST AND PARALLEL WITH SAID SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF SAID TRACT NO. 1357, FOR A DISTANCE OF 161.06 FEET; THENCE SOUTH 71° 30' 05" WEST AND PARALLEL WITH SAID NORTHWESTERLY LINE OF FOXWORTHY ROAD, 105.00 FEET TO A POINT; THENCE PARALLEL WITH SAID SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF SAID TRACT NO. 1357, SOUTH 25° 04' 40" EAST 161.06 FEET TO THE TRUE POINT OF BEGINNING, AND BEING A PORTION OF THE RANCHO SAN JUAN BAUTISTA.

PARCEL TWO:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHWESTERLY LINE OF FOXWORTHY ROAD (60.00 FEET IN WIDTH) WITH THE SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF "TRACT NO. 1357 FRANCISCAN GARDENS UNIT NO. 2", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA STATE OF CALIFORNIA ON NOVEMBER 9, 1954 IN BOOK 53 OF MAPS, AT PAGE 26; THENCE FROM SAID POINT OF BEGINNING NORTH 71° 30' 05" EAST ALONG SAID NORTHWESTERLY LINE OF FOXWORTHY ROAD, 85.00 FEET; THENCE NORTH 25° 04' 40" WEST AND PARALLEL WITH SAID SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF SAID TRACT NO. 1357, FOR A DISTANCE OF 161.06 FEET; THENCE SOUTH 71° 30' 05" WEST AND PARALLEL WITH SAID NORTHWESTERLY LINE OF FOXWORTHY ROAD 85.00 FEET TO A POINT ON SAID SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF SAID TRACT NO. 1357; THENCE SOUTH 25° 04' 40" EAST ALONG SAID SOUTHEASTERLY PROLONGATION 161.06 FEET TO THE POINT OF BEGINNING, AND BEING A PORTION OF THE RANCHO SAN JUAN BAUTISTA.

APN: 439-44-024